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Outgoing
c/015/0015
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From: Steve Christensen
To: OGMCOAL
Date: 12/4/2008 5:03 PM
Subject: Fwd: Emery Deep - Bond Increase (C 015/0015)
Place: OGMCOAL
Attachments: Exhibit_D.doc; Exhibit_A2005final.doc; PERMITTEEAFFIDAVIT OF QUALIFICATION.doc; SURETYAFFIDAVIT OF QUALIFICATION.doc

>>> Angela Nance 12/4/2008 4:53 PM >>>
Hi John,

I spoke with Steve Christensen and he mentioned that you are going to be increasing the bond for the Emery Deep Mine. It looks like you currently have a surety bond for Emery Deep in the amount of \$2,648,000 through Seaboard Surety. If you want to increase this current surety bond - we will need a surety rider with the new amount. Of course, there are other types of bonds that you may choose (LOC, etc.) to satisfy the additional amount.

In addition to the surety rider, there are a couple of documents that will need to be completed as part of the bond increase. Exhibit D (Stipulation to Revise Reclamation Agreement), Exhibit A (Bond Area) - if there is a change in the bonded area, and Affidavits of Qualification for the Permittee and the Surety Company. I have attached these documents for your review.

If you need help filling out these forms or if you have any questions please feel free to contact me.

Thank you,
Angela
BondCoordinator
angelanance@utah.gov

EXHIBIT “D”

Stipulation to Revise Reclamation Agreement (Federal)

Permit Number: _____
Effective Date: _____
Bond Number: _____

COAL
STIPULATION TO REVISE RECLAMATION AGREEMENT
--ooOOoo--

This **STIPULATION TO REVISE RECLAMATION AGREEMENT** entered into by and between the **PERMITTEE** and **DIVISION** incorporates the following revisions or changes to the **RECLAMATION AGREEMENT**: (Identify and Describe Revisions below)

In accordance with this **STIPULATION TO REVISE RECLAMATION AGREEMENT**, the following Exhibits have been replaced by the **PERMITTEE** and are approved by the **DIVISION**.

_____ Replace the Reclamation agreement in its entirety.

_____ Replace Exhibit "A"- bonded area.

_____ Replace Exhibit "B"- bonding agreement

_____ Replace Exhibit "C"- liability insurance

The bonding amount is revised from \$ _____ to \$ _____.

The bonding type is changed from _____ to _____.

The surface disturbance is revised from _____ acre to _____ acres.

The expiration date is revised from _____ to _____.

The liability insurance carrier is changed from _____ to _____.

The amount of insurance coverage for bodily injury and property damage is changed
from
\$ _____ to \$ _____.

IN WITNESS WHEREOF, _____ the **PERMITTEE** has hereunto set
its signature and seal this _____ day of _____, 20__.

PERMITTEE

By: _____

Title: _____

ACCEPTED BY THE STATE OF UTAH this ____ day of _____, 20__.

Director,
Division of Oil, Gas and Mining

NOTE: An **Affidavit of Qualification** must be completed and attached to this form for each authorized agent or officer. Where one signs by virtue of Power or Attorney of a company, such Power of Attorney must be filed with this Agreement. If the **PERMITTEE** is a corporation, the Agreement shall be executed by its duly authorized officer.

EXHIBIT "A"

Bonded Area Legal Description

(Federal Coal)

Exhibit "A"
Legal Description
Federal
Bond Number _____

EXHIBIT "A"

Pursuant to R645-301- 820.110, the surety bond covers an identified increment of land within the permit area upon which the operator will initiate and conduct coal mining and reclamation operations during the initial term of the permit. This area is identified as:

Map(s) showing the BONDED AREA within the approved PERMIT AREA :

Legal description of BONDED AREA:

The above described area shall be modified as necessary to correspond to an increase in the area disturbed as a result of an expansion of coal mining and reclamation operations. The described area may also be decreased as a result of partial reclamation.

IN WITNESS WHEREOF the **SURETY** has hereunto set its signature and seal this

_____ day of _____, 20____.

SURETY

By:

Title:

Bond Number _____

AFFIDAVIT OF QUALIFICATION PERMITTEE

--ooOOoo--

I, _____, being first duly sworn under oath, deposes and says that he/she is the (officer or agent) _____ of _____; and that he/she is duly authorized to execute and deliver the foregoing obligations; and that said PERMITTEE is authorized to execute the same and has complied in all respects with the laws of Utah in reference to commitments, undertakings and obligations herein.

(Signed)

Name - Position

Attest: _____
Secretary of the Corporation

STATE OF _____)

) SS:

COUNTY OF _____)

Subscribed and sworn to before me this _____ day of _____, 20____.

Notary Public

My Commission Expires:

_____, 20____.

Bond Number _____

AFFIDAVIT OF QUALIFICATION SURETY COMPANY

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I, _____, being first duly sworn under oath, deposes and says that he/she is the (officer or agent) _____ of _____; and that he/she is duly authorized to execute and deliver the foregoing obligations; and that said SURETY COMPANY is authorized to execute the same and has complied in all respects with the laws of Utah in reference to becoming sole surety upon bonds, undertakings and obligations herein.

(Signed)
Surety Company Officer - Position

Attest:

STATE OF _____)
COUNTY OF _____) ss:

Subscribed and sworn to before me this ____ day of _____, 20__.

Notary Public

My Commission Expires:

_____, 20____.